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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/213,169

12/17/1998

JOHN R. FREDLUND

78685F-P

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1333 7590 10/16/2007
EASTMAN KODAK COMPANY
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EXAMINER

FRIDIE JR, WILLMON

ART UNIT

PAPER NUMBER

3722

MAIL DATE

DELIVERY MODE

10/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/213,169

Applicant(s)

FREDLUND ET AL.

Examiner

Willmon Fridie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 and 40-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 and 40-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1,7,12,13,19,23-25,29,34,35,40,43,44,46,50-52,57,58,62 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manico et al. ('692) in view of Shiota..

Manico et al. Discloses an album leaf comprising a plurality of images (15-19 and 21- 25), first and second sides (12,14) having a retaining means for holding the memory images and plurality of openings (28). Manico et al lacks the disclosure of first and second icons for identifying first and second sources of the memory images on the photographic sheets. Shiota discloses a photographic sheet comprising an icon (64) with an image ID (65) inside the silhouette (60a, 61a). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Manico

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et al. With an identifying icon with identification numbers, which correspond to the images on the album leaf as, taught by Shiota in order to categorize the content and provide more information on the images. To provide a second icon would have been obvious to a skilled artisan, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St. Regis Paper CO. V Bemis Co., 193USPQ8. Further, It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the identifying indicia represent the location of said at least one image of said plurality of images on said album leaf, since it would only depend on the intended use of the assembly and the desired information to be displayed. Further, it has been held that when the claimed printed matter is not functionally related to the substrate it will not distinguish the invention from the prior art in terms of patentability. The fact that the content of the printed matter placed on the substrate may render the device more convenient by providing an end user with a specific type of information document or form does not alter the functional relationship. Mere support by the substrate for the printed matter is not the kind of functional relationship necessary for patentability. Therefore, it would have been obvious to place any type of indicia****, since applicant has not disclosed the criticality of *****, and invention would operate equally as well with****.

Claims 2-6,14-18,26-28,30,36,41-45 and 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manico in view of Shiota as applied to claims above, and further in view of Manico et al. ('870).

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Manico et al. as modified by Shiota discloses the claimed invention except for an origination ID being associated with at least one of the plurality of images which indicates the first source. Manico et al. ('870) teaches that it is well known in the art to use a photographic sheet comprising an origination ID. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Manico et al. As modified by Shiota with an origination ID inside the silhouette as taught Manico et al ('870) to indicate the identification images and the location of the images on the photographic sheet.

Claims 8,20,31 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manico ('692) in view of Shiota as applied to claims above, and further in view of Wemer.

Manico ('692) as modified by Shiota discloses the claimed invention except for a film cartridge containing a strip of photographic film wherein the cartridge has an ID number. Wemer teaches that it is well known in the art to use an apparatus for storing a film cartridge (23). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Manico ('692) as modified by Shiota with a film cartridge on a photographic sheet in the manner as taught by Wemer et al. so that the film cartridge can be kept together with corresponding images for later use. Further, Official Notice is taken of the use of ID numbers on a film cartridge. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use ID numbers on a film cartridge since the use of such is old and well known in the art..

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Claims 9,10,21,22,32,33,48,49,60 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manico ('692) in view of Shiota as applied to claims above, and further in view of Combs.

Combs disclose a CD ROM holder comprising a CD ROM (10) on the photographic sheet. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Manico ('692) as modified by Shiota with a CD Rom and holder in order to increase the storage capacity of the assembly. Further, Official Notice is taken of the use of ID numbers on a CD ROM holder. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use ID numbers on a CD ROM holder since the use of such is old and well known in the art.

Response to Arguments

In regard to applicant's arguments that none of the references disclose indicia which dedefines the location of an image, the examiner submits that it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the identifying indicia represent the location of said at least one image of said plurality of images on said album leaf since it would only depend on the intended use of the assembly and the desired information to be displayed. Further, it has been held that when the claimed printed matter is not functionally related to the substrate it will not distinguish the invention from the prior art in terms of patentability. The fact that the content of the printed matter placed on the substrate may render the device more convenient by providing an end user with a specific type of information document or

form does not alter the functional relationship. Mere support by the substrate for the printed matter is not the kind of functional relationship necessary for patentability.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willmon Fridie whose telephone number is 571 272 4476. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MONICA CARTER can be reached on 571 272 4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

wf



**WILLMON FRIDIE, JR.
PRIMARY EXAMINER**